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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Andorra,* Argentina,* Australia,* Austria,* Azerbaijan,* Belgium, Bosnia and Herzegovina,* Botswana, Bulgaria,* Canada,* Croatia, Cyprus,* Czechia,* Ethiopia, Georgia, Ghana, Haiti,* Honduras,* Hungary, Israel,* Italy,* Latvia, Liechtenstein,* Luxembourg,* Mexico,* Monaco,* Montenegro,* Netherlands, Norway,* Peru,* Poland,* Portugal, Romania,* Rwanda, Serbia,* Sierra Leone,* Slovakia,* Slovenia, Spain,* Switzerland, the former Yugoslav Republic of Macedonia,* Ukraine,* United Kingdom of Great Britain and Northern Ireland, Uruguay,* Zambia:* draft resolution

35/... Child, early and forced marriage in humanitarian settings

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as other relevant human rights instruments, including the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery,

Reaffirming its resolutions and 24/23 of 27 September 2013 and 29/8 of 2 July 2015, and recalling General Assembly resolutions 69/156 of 18 December 2014 and 71/175 of 19 December 2016,

Acknowledging that international humanitarian law and international human rights law are complimentary and mutually reinforcing,

Reaffirming the Vienna Declaration and Programme of Action, as well as the Programme of Action of the International Conference on Population and Development, the

* State not a member of the Human Rights Council.

Beijing Declaration and Platform for Action and the outcome documents of their review conferences,

Reaffirming also relevant resolutions and agreed conclusions of the Commission on the Status of Women, and recalling the relevant commitments taken by States in the framework of the World Humanitarian Summit, as well as relevant general comments of the human rights treaty bodies related to child, early and forced marriage,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[1] and noting the integrated nature of the 2030 Agenda and the range of goals and targets relevant to preventing, responding to and eliminating child, early and forced marriage, including target 5.3,

Welcoming also the adoption of General Assembly resolution 71/1 of 19 September 2016 on the New York Declaration for Refugees and Migrants,

Taking note of the work of the World Health Organization High-level Working Group on the Health and Human Rights of Women, Children and Adolescents,

Welcoming the report of the Office of the United Nations High Commissioner for Human Rights of 24 March 2017 on the expert meeting on the impact of existing strategies and initiatives to address child, early and forced marriage,[2] and taking note with appreciation of the report of the Secretary-General on child, early and forced marriage of 29 July 2016,[3]

Taking note with appreciation of the ongoing United Nations Population Fund-United Nations Children's Fund Global Programme to Accelerate Action to End Child Marriage, as well as regional, national and subnational instruments, mechanisms and initiatives to end child, early and forced marriage, including the African Union Campaign to End Child Marriage and the Regional Action Plan to End Child Marriage in South Asia, as well as ongoing United Nations activities and programmes on child, early and forced marriage, and further encouraging coordinated approaches to action at all levels,

Recognizing that child, early and forced marriage is a harmful practice which violates, abuses and impairs human rights and is linked to and perpetuates other harmful practices, including female genital mutilation, and human rights violations, and that such violations have a disproportionately negative impact on women and girls, and underscoring the human rights obligations and commitments of States to respect, protect and fulfil the human rights and fundamental freedoms of women and girls and to prevent and eliminate child, early and forced marriage,

Deeply concerned by the impact of deep-rooted gender inequalities, norms and stereotypes and of harmful practices, perceptions and customs that are among the primary causes of child, early and forced marriage, and deeply concerned also that poverty and lack of education are also among the drivers of this harmful practice, and that it remains common in rural areas and among the poorest communities,

Recognizing that child, early and forced marriage undermines women's and girls' autonomy and decision-making in all aspects of their lives and remains an impediment not only to the economic, legal, health and social status of women and girls, but also to the development of society as whole, and that the empowerment of and investment in women and girls, the meaningful participation of girls in all decisions that affect them, and women's full, equal and effective participation at all levels of decision-making are a key

[1] General Assembly resolution 70/1.
[2] A/HRC/35/5.
[3] A/71/253.

factor in breaking the cycle of gender inequality and discrimination, violence and poverty and are critical for, inter alia, sustainable development, peace, security, democracy and inclusive economic growth,

Noting with concern that child, early and forced marriage disproportionally affects girls who have received little or no formal education and is itself a significant obstacle to educational opportunities for girls and young women, in particular girls who are forced to drop out of school owing to marriage, pregnancy, childbirth and/or childcare responsibilities, and recognizing that educational opportunities are directly related to the empowerment of women and girls, their employment and economic opportunities and their active participation in economic, social and cultural development, governance and decision-making,

Strongly condemning attacks on and abductions of all girls, deploring all attacks, including terrorist attacks, on educational institutions, their students and staff, and urging States to protect them from attacks,

Recognizing that child, early and forced marriage constitutes a serious threat to the full realization of the right to the enjoyment of the highest attainable standard of physical and mental health of women and girls, including but not limited to their sexual and reproductive health, significantly increasing the risk of early, frequent and unwanted pregnancy, maternal and newborn mortality and morbidity, obstetric fistula and sexually transmitted infections, including HIV/AIDS, as well as increasing vulnerability to all forms of violence,

Recognizing also that in humanitarian settings, which include humanitarian emergencies, situations of forced displacement, armed conflict and natural disaster, pre-existing human rights issues are further exacerbated and that new violations and abuses arise in consequence of the crisis,

Noting with concern that the incidence and risk of child, early and forced marriage is highly exacerbated in humanitarian settings due to various factors, including insecurity, gender inequality, increased risks of sexual and gender based violence, breakdown of rule of law and state authority, the misconception of providing protection through marriage, the use of forced marriage as a tactic in conflict, lack of access to education, the stigma of pregnancy outside of marriage, absence of family planning services, a disruption of social networks and routines, increased poverty, and the absence of livelihood opportunities,

Recognizing that ending child, early and forced marriage requires increased attention, gender and age-sensitive approaches, appropriate protection, prevention and response measures and coordinated action by relevant stakeholders, with the full and meaningful participation of the women and girls affected, from the early stages of humanitarian emergencies, and recognizing further the importance of addressing the increased vulnerability of women and girls to sexual and gender-based violence and sexual exploitation and abuse in those situations,

1. *Recognizes* that child, early and forced marriage constitutes a violation, abuse or impairment of human rights and a harmful practice that prevents individuals from living their lives free from all forms of violence, and that it has wide ranging and adverse consequences on the enjoyment of human rights, such as the right to education, the right to the highest attainable standard of physical and mental health, including sexual and reproductive health, and that every girl and woman at risk of or affected by these practices must have equal access to quality education, counselling, shelter and other social services, psychological, sexual and reproductive health-care services and medical care;

2. *Calls upon* States, with the participation of relevant stakeholders, including girls, women, religious and community leaders, civil society and human rights groups,

humanitarian actors, men and boys, and youth organizations to develop and implement holistic, comprehensive and coordinated responses, strategies and policies to prevent, respond to and eliminate child, early and forced marriage, including in humanitarian settings, and to support already married girls, adolescents and women, including through the strengthening of child protection systems, protection mechanisms, such as safe shelters, access to justice and legal remedies and the sharing of best practices across borders in full compliance with international human rights obligations and commitments;

3. *Urges* States to enact, enforce, harmonize and uphold laws and policies aimed at preventing, responding to and eliminating child, early and forced marriage, protecting those at risk, including in humanitarian settings, and supporting already married women and girls, and to ensure that marriage is entered into only with the informed, free and full consent of the intending spouses and that women have equality with men in all matters pertaining to marriage, divorce, child custody and the economic consequences of marriage and its dissolution;

4. *Also urges* States to remove any provisions that may enable, justify or lead to child, early or forced marriage, including provisions that enable perpetrators of rape, sexual abuse, sexual exploitation, abduction, trafficking in persons or modern slavery to escape prosecution and punishment by marrying their victims, in particular by repealing or amending such laws;

5. *Further urges* States to promote, respect and protect the human rights of all women and girls, including their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and to adopt and accelerate the implementation of laws, policies and programmes that protect and enable the enjoyment of all human rights and fundamental freedoms, including reproductive rights, in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences;

6. *Calls upon* States to promote and protect the right of women and girls to equal access to education through enhanced emphasis on free and quality primary and secondary education, including catch-up and literacy education for those who have not received formal education or have left school early, including because of marriage and/or childbearing, which empowers young women and girls to make informed decisions about their lives, employment, economic opportunities and health, including through scientifically accurate, age-appropriate comprehensive education, relevant to cultural contexts, that provides adolescent girls and boys and young women and men, in and out of school, consistent with their evolving capacities, with information on sexual and reproductive health, gender equality and the empowerment of women, human rights, physical, psychological and pubertal development and power in relationships between women and men, to enable them to build self-esteem and informed decision-making, communication and risk reduction skills and to develop respectful relationships, in full partnership with young persons, parents, legal guardians, caregivers, educators and health-care providers, in order to contribute to ending child, early and forced marriage;

7. *Also calls upon* States, with the support of humanitarian partners, healthcare providers and experts, and in full collaboration with concerned communities and other stakeholders, to strengthen monitoring and interventions to prevent, respond to and eliminate child, early and forced marriage in humanitarian settings, including by integrating and harmonising such interventions into efforts focused on conflict-prevention, protection of civilians, and access to information and services;

8. *Invites* all stakeholders to promote the use of the Inter-Agency Standing Committee Guidelines for Integrating Gender-based Violence Interventions in Humanitarian Action;

9. *Encourages* States to promote open dialogue with all concerned parties, including religious and community leaders, women, girls, men and boys, parents, legal guardians, and other family members, as well as humanitarian and development actors in order to address concerns and specific needs of those at risk of child, early and forced marriage within humanitarian settings, and to address social norms, gender stereotypes and harmful practices that contribute to the acceptance and continuation of the practice of child, early and forced marriage, including by raising awareness of its harm to the victims and the cost to society at large;

10. *Calls upon* States to promote the meaningful participation of and active consultation with children and adolescents affected by humanitarian settings, especially girls, on all issues affecting them and to raise awareness about their rights, including the negative impact of child, early and forced marriage, through safe spaces, forums and support networks that provide girls and boys with information, life skills and leadership skills training and opportunities to be empowered, to express themselves, to participate meaningfully in all decisions that affect them and to become agents of change within their communities;

11. *Also calls upon* States to promote, respect and protect the rights of women and girls to education through enhanced emphasis on quality education, and to ensure universal access to sexual and reproductive health-care services, information and education, as set out in target 3.7 of the 2030 Agenda, and to promote school enrolment and retention among girls, including in secondary school, and by allowing access to education services for children who have been forced to flee their homes, schools and communities and to ensure that schools offer them safe and supportive environments;

12. *Urges* States to provide specialized child protection services to refugee and displaced children, which takes into account the particular vulnerabilities and specific protection needs of children, including those who have been forced to flee violence and persecution or who are unaccompanied or separated, including protection and response to the practice of child, early and forced marriage;

13. *Also urges* States, with the collaboration of relevant stakeholders, to ensure that the basic humanitarian needs of affected populations and families, including clean water, sanitation, food, shelter, energy, health, including sexual and reproductive health, nutrition, education and protection, are addressed as critical components of humanitarian response, to ensure that civil registration and vital statistics are an integral part of humanitarian assessments, and that livelihoods are protected recognizing that poverty and lack of economic opportunities for women and girls are among the drivers of child, early and forced marriage;

14. *Further urges* States to ensure access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating child, early and forced marriage, including in humanitarian settings, including by informing women and girls of their rights under relevant laws, and by improving legal infrastructure and removing all barriers to access legal counselling, assistance and remedies;

15. *Invites* States to consider including, as appropriate, within the framework of relevant national action plans, and in their national reports in the context of the universal periodic review, any best practices and implementation efforts as well as identified challenges relating to the elimination of child, early and forced marriage, including within humanitarian settings;

16. *Encourages* relevant United Nations entities, regional and subregional organizations, civil society and other relevant actors and human rights mechanisms to continue to collaborate with and support States in developing and implementing strategies and policies at the national, regional and international levels to effectively develop measures to prevent, eliminate and respond to child, early and forced marriage, including in humanitarian settings;

17. *Encourages* relevant existing mechanisms of the Human Rights Council to give due consideration to the issue of child, early and forced marriage, including in humanitarian settings, during the exercise of their mandates;

18. *Requests* the Office of the United Nations High Commissioner for Human Rights to create a web portal to bring together and collate information relating to child, early and forced marriage, including in humanitarian settings;

19. *Requests* the United Nations High Commissioner for Human Rights to provide a written report with input from all relevant stakeholders on child, early and forced marriage with a focus on humanitarian settings to the Human Rights Council at its forty-first session, and to provide an oral update in this regard to the Council at its thirty-eighth session;

20. *Decides* to continue its consideration of the issue of strengthening efforts to prevent and eliminate child, early and forced marriage at the Human Rights Council.